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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2012-19*

13 **DEBORAH SMITH GUILL**
4147 Whitmell School Road.
14 Dry Fork, VA 24549
Registered Nurse License No. 664265

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 24, 2005, the Board of Registered Nursing issued Registered
23 Nurse License Number 664265 to Deborah Smith Guill (Respondent). The Registered Nurse
24 License expired on January 31, 2009, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

1 DRUGS

2 8. "Xanax," also known by its generic name Alprazolam, is a Schedule IV controlled
3 substance as designated by Health and Safety Code section 11057, subdivision (d)(1), and a
4 dangerous drug under Code section 4022. It is used to treat anxiety.

5 COST RECOVERY

6 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct – Out of State Discipline)
12 (Bus. & Prof. Code § 2761, subd. (a)(4))

13 10. Respondent has subjected her registered nurse license to disciplinary action under
14 Code section 2761, subdivision (a)(4), in that on or about December 10, 2009, in a disciplinary
15 action before the Virginia Board of Nursing (Virginia Board), the Virginia Board entered an
16 Order requiring Respondent to: (1) provide the Virginia Board with a report from her addiction
17 specialist; (2) continue complying with the recommendations of her psychiatrist; and (3) maintain
18 a course of conduct in her capacity as a professional nurse that is commensurate with the
19 requirements of the Virginia Code and the Virginia Board of Nursing's Regulations. Any
20 violations of the terms and conditions in the Virginia Board's Order would constitute cause for
21 revoking Respondent's registered nurse license.

22 11. The underlying conduct supporting the Virginia Board's disciplinary action is that on
23 or about February 19, 2009, Respondent entered a Consent Order with the North Carolina Board
24 surrendering her privilege to practice professional nursing in North Carolina for one year.
25 Respondent's surrender was based upon her conduct on or about December 30, 2008, when she
26 reported to work at Women's Hospital of Greensboro, North Carolina, with slurred speech and
27 stumbling. Respondent later tested positive for marijuana. At the informal conference before the
28 Virginia Board, Respondent stated that she had worked on December 29, 2008, and she did not

1 sleep on December 30, 2008. Respondent stated that she took Xanax, for which she had a valid
2 prescription, and then went to work. Respondent was terminated from her employment as a result
3 of her conduct, above. At the informal conference, Respondent denied smoking marijuana.
4 Respondent admitted to the Virginia that she put herself in a bad situation and that she had
5 exercised poor judgment. Respondent maintained that she had learned from her mistake.
6 According to Respondent, she also saw an addiction specialist on or about October 21, 2009, as
7 required for reinstatement of her privilege to practice professional nursing in North Carolina.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
10 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 664265, issued to
12 Deborah Smith Guill;
13 2. Ordering Deborah Smith Guill to pay the Board of Registered Nursing the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions
15 Code section 125.3;
16 3. Taking such other and further action as deemed necessary and proper.
17
18

19 DATED: July 12, 2011

20 Louise R. Bailey
21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
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